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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/765,586

01/26/2004

Jurgen Zeltner

A-3877

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EXAMINER

MORRISON, THOMAS A

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

06/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/765,586	<b>Applicant(s)</b> ZELTNER ET AL.	
	<b>Examiner</b> Thomas A. Morrison	<b>Art Unit</b> 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/23/2007 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by German Publication No. DE10040070 (cited in the 1/26/2004 IDS). A translation of the description and claims from an EPO website is included with this Office Action.

Regarding claim 1, the enclosed translation of the claims and description from an EPO website and Figs. 1-2 of DE10040070 disclose a sheet feeder (3) for the synchronized feeding of sheets to a sheet processing machine (1) having a machine drive (drive connected to lower horizontal shaft 2), the sheet feeder (3) comprising:

drive assemblies (including 8 and 12) for driving the sheet feeder (3) and a drive train (Fig. 1) connecting the drive assemblies (including 8 and 12) to the machine drive (drive connected to lower horizontal shaft 2) of the sheet processing machine (1);

a clutch (18 or 23) selectively switchable at a determined angular position thereof into the drive train (Fig. 1) between the drive assemblies (including 8 and 12) of the sheet feeder (3) and the machine drive (drive connected to lower horizontal shaft 2) of the sheet processing machine (1); and

a switch-on torque limiter being a pretensioned spring element (21) connected in the drive train, the switch-on torque limiter configured to activate upon a switching of the clutch (18 or 23) into the drive train (Fig. 1). See e.g., Figs. 1-2 and translation from an EPO website at lines 21-25 on page 1 of the description, lines 31-42 on page 2 of the description, and claim 6.

Regarding claim 2, Figs. 1-2 show that the switch-on torque limiter is disposed between the machine drive (drive connected to lower horizontal shaft 2) of the sheet processing machine (1) and the clutch (23).

Regarding claim 3, Figs. 1-2 show that the switch-on torque limiter is disposed between the clutch (18) and the drive assemblies (including 12 and 8) of the sheet feeder (3).

***Response to Arguments***

3. Applicant's arguments filed 4/23/2007 have been fully considered but they are not persuasive. Applicant argues that

The Wiese reference discloses a "switch-on torque limiter" that is constructed as a torsionally flexible coupling or clutch (21). The torsionally flexible clutch does not have a pretensioned spring element and is therefore torsionally flexible when in operation. This leads to unwanted vibrations/oscillations. Wiese discloses that in order to eliminate the vibrations/oscillations, a second clutch (23) is used to provide the necessary torsional stiffness in the clutch system.

The reference does not show a switch-on torque limiter being a pretensioned spring element connected in the drive train, the switch-on torque limiter configured to activate upon a switching of the clutch into the drive train, as recited in claim 1 of the instant application. The Wiese reference discloses a torsionally flexible clutch that does not have a pretensioned spring element. Wiese does not disclose that a switch-on torque limiter is a pretensioned spring element. This is contrary to the invention of the instant application as claimed, in which a switch-on torque limiter is a pretensioned spring element connected in the drive train, the switch-on torque limiter is configured to activate upon a switching of the clutch into the drive train.

It is the examiner's position that German Publication No. DE10040070 discloses a switch-on torque limiter that is a pretensioned spring element (21) connected in the drive train (Fig. 1), as claimed. In as much as the switch-on torque limiter of the instant application is a pretensioned spring element (49 and/or 52), so is element 21 of German Publication No. DE10040070. More specifically, element 49 of the instant application is pretensioned (e.g., compressed). Likewise, element 21 of German Publication No. DE10040070 must be in a compressed state in order for clutch 18 to operate properly. More specifically, it is the examiner's position that clutch 18 (i.e., including 17 and 19) must be under the compression force of element 21 in order for elements 17 and 19 to engage one another when clutch 18 is activated. As such, element 21 of German Publication No. DE10040070 is subjected to compression (i.e., pretensioned), as claimed. Thus, all of the elements of claim 1 are met.

***Allowable Subject Matter***

4. Claims 4-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

05/24/2007

  
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